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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,985	10/24/2003	Peter Wayte	126987/11915 (21635-0112)	1740
31450 7590 05/19/2008 MCNEES WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166				
EXAMINER ROE, JESSEE RANDALL				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
05/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/692,985

## Applicant(s)

WAYTE ET AL.

## Examiner

Jessee Roe

## Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12-18 and 21-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 March 2008 has been entered.

### ***Status of the Claims***

Claims 1-18 and 21-22 are pending wherein claims 1 and 10 are amended; claims 19-20 are canceled; and claims 2 and 11 are withdrawn from consideration.

### ***Status of Previous Rejections***

The previous rejection of claims 1, 3-5, 10, 12-14 and 21-22 under 35 U.S.C. 103(a) as being unpatentable over Chakrabarti et al. (US 4,898,624) in view of the website disclosure of the Titanium Metals Corporation found at [www.timet.com/metal64frame.html](http://www.timet.com/metal64frame.html) as archived by [www.web.archive.org](http://www.web.archive.org) and Andinolfi et al. (US 4,563,239) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 6 and 15 under 35 U.S.C. 103(a) as being unpatentable over Chakrabarti et al. (US 4,898,624) in view of the website disclosure of the Titanium Metals Corporation found at [www.timet.com/metal64frame.html](http://www.timet.com/metal64frame.html) as archived by

www.web.archive.org and Andinolfi et al. (US 4,563,239), and further in view of the ASM Handbook Volume 4 is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 7 and 16 under 35 U.S.C. 103(a) as being unpatentable over Chakrabarti et al. (US 4,898,624) in view of the website disclosure of the Titanium Materials Corporation found at [www.timet.com/metal64frame.html](http://www.timet.com/metal64frame.html) as archived by www.web.archive.org and Andinolfi et al. (US 4,563,239), and further in view of the ASM Handbook Volume 4 is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 8-9 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over Chakrabarti et al. (US 4,898,624) in view of the website disclosure of the Titanium Materials Corporation found at [www.timet.com/metal64frame.html](http://www.timet.com/metal64frame.html) as archived by www.web.archive.org and Andinolfi et al. (US 4,563,239), and further in view of Bewlay (US 6,370,956) is withdrawn in view of the Applicant's amendments to the claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 3-10, 12-18 and 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. It is indicated in the Remarks filed 12 February 2008 that support for the recitation "in the absence of additional heat treatment steps" in lines 18-19 of claims 1 and 10 is found in [0028] of the instant specification. However, the Examiner notes that this limitation is not recited in [0028] of the specification, nor does the Examiner find support for this recitation in other sections of the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-9 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, the antecedent for "the forged gas turbine engine component" of "heat treating the forged gas turbine engine component" in line 11 of claim 1 refers back to the recitation "forging the workpiece to make a forged gas turbine engine component" in line 7 of claim 1 which indicates that heat treatment would occur immediately after forging. However, in line 12 of claim 1 the recitation "solution heat treating the machined, forged gas turbine engine component refers to "rough machining the forged gas turbine engine component" of line 10 indicating that after forging, rough machining would occur therefore conflicting with heat treatment occurring immediately after forging and rendering the claim unclear and indefinite.

Claims 1, 3-10, 12-18 and 21-22 are free from art rejection.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-10, 12-18 and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/  
Primary Examiner, Art Unit 1793

JR

**Application Number****Application/Control No.**

10/692,985

**Examiner**

Jessee Roe

**Applicant(s)/Patent under  
Reexamination**

WAYTE ET AL.

**Art Unit**

1793